

MINUTES

UTAH OSTEOPATHIC PHYSICIAN BOARD MEETING

July 16, 2008

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:06 A.M.

ADJOURNED: 11:22 A.M.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Debbie Harry

Board Members Present:

Warren A. Peterson, DO
Brenda G. Scharman
Keith P. Ramsey, DO
J. Howard Loomis, DO
William D. Voss, DO

DOPL Staff Present:

David Stanley, Division Director
Diane Hooper, Licensing Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the January 16, 2008 Board meeting were read.

Ms. Scharman made a motion to approve the minutes with a minor correction. Dr. Ramsey seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

Division Update

Ms. Taxin explained that the Division has made some adjustments and now has a Compliance Unit. She stated that Debbie Harry has been assigned to the Osteopathic Physicians and will follow probationers to make sure they have submitted all their required information for the Board to review at the meetings.

Ms. Harry commented that she reminds the probationers of their appointments and lets them know if there is any paperwork that has not been submitted. Ms. Harry reviewed the new format of the probationary file and the new probationary interview form. She explained that the form is generic and some questions may not apply for Osteopathic Physicians. She stated that it is a form to help the Board with their interview. Ms. Harry requested Board members to be sure to write their notes and mark if the probationer is in compliance or out of compliance. She requested that they write down any recommended amendments in order for her to follow up.

9:30 am

Debbie Harry, Compliance Update

Ms. Harry updated the Board regarding the compliance or non-compliance of probationers.

Ms. Harry reported that **Dr. Douglas D. Callahan** is currently in compliance with his Stipulation and Order.

Ms. Taxin commented that Dr. Callahan is a new probationer and he contacted her regarding the requirements of his probation. She stated that he has been proactive in the process. Ms. Taxin stated that one of Dr. Callahan's requirements is to take a controlled substance prescribing course. She stated that she approved one for Dr. Callahan and, once he completed it, she withdrew the restriction on his controlled substance license.

Ms. Harry stated that Dr. Callahan has some questions regarding the remaining CE. She stated that he submitted a practice plan for the Board to review today. She stated that he may not have the triplicate copies of his prescriptions as he was unclear if he could write the number or if the number must be printed on the prescriptions.

Ms. Taxin reviewed the Finding of Facts for the Board. She stated that the Board may ask Dr. Callahan to briefly explain what brought him before the Board, if he has read his Stipulation and Order and understands the requirements and what he learned from attending the prescribing course.

Ms. Taxin then read the practice plan to the Board.

Dr. Peterson asked if Dr. Callahan was allowed to retain his DEA license.

Ms. Taxin responded that to her knowledge he has not had problems with the DEA license. She recommended the Board ask Dr. Callahan.

Ms. Harry explain that Dr. Callahan informed her that he is currently in practice with his father but his proposed supervisor, Dr. Judd LaRowe, is someone else. She stated that the Stipulation and Order requires the proposed supervisor to meet with the Board but he will not be at the meeting today.

Ms. Taxin recommended the Board conduct a telephonic meeting with Dr. LaRowe on October 15, 2008.

Following additional discussion the Board agreed that the prescriptions must have the numbers printed on them, they would have to rely on the supervising physician to review the charts to be sure Dr. Callahan is appropriately prescribing. The Board determined that Dr. Callahan should not be required to submit quarterly self assessment reports unless his appointments are changed to twice a year or yearly.

10:15 am

Dr. Douglas D. Callahan, Initial Probationary Interview

Dr. Callahan met for his initial probationary interview.

Board members and Division staff were introduced.

Dr. Peterson conducted the interview.

Dr. Peterson requested Dr. Callahan to briefly explain what brought him before the Board and his understanding of the Stipulation and Order requirements.

Dr. Callahan responded that he works in a clinic with his father doing family practice. He stated that his charts were audited by an investigator and were found to be lacking in some areas. Dr. Callahan stated that

he was embarrassed, humiliated and angry but has since realized that there were some areas of his practice that he was not doing well and he could do better. He stated that he has completed a couple of classes which helped him change some of his ideas regarding his practice.

Dr. Peterson asked what percent of Dr. Callahan's practice deals with pain management.

Dr. Callahan responded that about 5% to 10% prior to his probation but none of the practice now deals with pain management. He stated that they now refer pain management patients out to chronic pain specialists. Dr. Callahan stated that his probation has affected the whole practice and how they work with chronic pain patients as they have incorporated much of what he learned into their practice. He stated that referring the pain management patients has impacted their practice very little.

Ms. Taxin asked Dr. Callahan if he knows why his charts were audited and what the complaint was.

Dr. Callahan responded that he does not know why his charts were audited or what the complaint was but after going through the classes he believes he now understands why. Dr. Callahan asked if he could write the consecutive numbers on his prescriptions or if they must be printed and if he should write all his prescriptions on the triplicate numbered pads. He stated that some prescriptions can be called into the Pharmacy. He asked if he could call those in and then write out the prescription on the pad to submit to the Division.

The Board responded that the prescription pads must be triplicate with the numbers printed on them.

Ms. Taxin responded that he must submit the triplicate scheduled prescriptions. Ms. Taxin stated that Schedule II prescriptions cannot be called into the Pharmacy.

Ms. Harry asked that the triplicate copies of the

prescriptions be submitted once a month.

Ms. Taxin stated that the triplicate prescriptions should be in numerical order when they are submitted and if Dr. Callahan administers a drug in his office then he must document that on his log. She stated that if Dr. Callahan has not administered any drug in his office he should send a note informing the Division that no drugs were administered and he has nothing to report. She stated that if Dr. Callahan calls in a prescription to the Pharmacy then he should let the Division know what was called and when by noting it on a prescription.

Dr. Callahan then asked if he should pull 10% of his patient files for his supervisor to review.

Dr. Loomis responded that random review means that the supervisor pulls 10% of the files to review. He recommended that Dr. Callahan retain a log of patients and let the supervisor choose from the log.

Dr. Peterson asked Dr. Callahan how he chose Dr. Judd LaRowe to be his supervisor.

Dr. Callahan responded that Dr. LaRowe practices internal medicine and has his own office. He stated that there was no specific reason regarding how he chose Dr. LaRowe.

Dr. Peterson asked Dr. Callahan if there is a Physician Assistant in the office and how the supervision is handled if his father goes out of town.

Dr. Callahan responded that there is a Physician Assistant in the office under the supervision of his father and it is his understanding that if his father is not in the office the Physician Assistant is not to be in the office as he is not allowed to supervise. He stated that the PA can arrange his time to be out when Dr. Callahan's father is not in the office.

The Board confirmed Dr. Callahan's understanding.

Dr. Peterson asked Dr. Callahan to explain what the procedure is if a patient calls in for pain medication prior to the due date to refill a prescription.

Dr. Callahan responded that they tell the patient that it is too early to write another prescription and to call back when it is time.

Dr. Peterson commented that Dr. Callahan was going to submit some documents for the Board to review. He stated that the information has not yet been received.

Dr. Callahan responded that he did send an employer report and a letter that documents his father reviewed the Stipulation and Order and is will to assist him in being successful in his probation.

Ms. Taxin confirmed that the information has not been received.

Ms. Harry requested the information be sent or faxed directly to her.

Dr. Callahan asked if the Board reviewed his practice plan and if they did, were there any suggestions regarding the plan.

Dr. Peterson responded that the Board reviewed the plan and it appears to be an appropriate plan. He reiterated that Dr. Callahan cannot supervise a PA if his father is out of the office.

Dr. Callahan responded that he understands. He then asked if the Board or Ms. Taxin have any suggestions for the final 4 hours of CE.

Ms. Taxin referred Dr. Callahan to the internet and asked that when he find something to e-mail the information to her to review prior to taking any classes. She stated that if he is unable to locate an appropriate course or courses in Law and Ethics to contact her for assistance. Ms. Taxin stated that the AMA has courses available.

Dr. Peterson asked Dr. Callahan to be sure to submit the Vita and information regarding the background of his proposed supervisor for the Board to review.

Ms. Taxin asked Dr. Callahan to inform his proposed supervisor that the Board secretary will contact him regarding a telephonic interview.

Dr. Peterson then made a motion for the required self assessment to be on hold for now but if the meetings are moved to every 6 months or yearly then the self assessment would be required quarterly.

Ms. Scharman seconded the motion.

The Board vote was unanimous.

Ms. Harry reminded Dr. Callahan that the CE is required to be completed by April 21, 2009.

The Board approved the practice plan with the exception of the contract.

Dr. Callahan stated that he will submit the contract.

Dr. Ramsey asked if Dr. Callahan's office collects a urine sample in each patient at each appointment.

Dr. Callahan responded that the policy is to collect a urine sample at each appointment and they have a contract with a company that comes in and tests each sample.

The Board determined Dr. Callahan is currently in compliance with his Stipulation and Order.

An appointment was made for Dr. Callahan to meet again in October, 2008. Ms. Taxin informed Dr. Callahan that Ms. McCall will contact him regarding the date as it has not yet been determined.

DISCUSSION ITEMS:

Board Chairperson

Dr. Ramsey nominated Dr. Loomis to serve as Board chairperson for this year. Dr. Peterson seconded the motion. The Board vote was unanimous.

Dr. Loomis asked what the commitment of Board chairperson is.

Ms. Taxin explained that she tries to contact the Board chairperson first if there are questions or issues that need to be discussed. She stated that she tries to hold the calls to a minimum. She stated that additionally they coordinate with her in running the Board meetings.

October 2008 Board Meeting Change

Following discussion, October 9, 2008 at 9:00 am was scheduled for the next Board meeting.

Dr. Peterson

Dr. Peterson commented that there are medical spas popping up that have Nurse Practitioners doing Botox treatments without being under supervision of a Physician.

Ms. Taxin commented that Nurse Practitioners are not allowed to inject Botox without supervision of a Physician.

Dr. Peterson responded that Ms. Taxin is correct and Nurse Practitioners are not allowed to do Botox treatments without supervision of a Physician.

Ms. Scharman stated that the Estheticians are planning to open their Law to address the laser issue and include laser training in their practice. She stated that at this time receptionists are doing laser treatments.

Ms. Taxin stated that a non-licensed practitioner might not understand that they can burn the patient with laser treatments. She stated that she believes the supervising Physician should be in the office during laser treatments.

Ms. Taxin stated that more discussion will have to

take place with the issues of Botox injections and laser treatments. She stated that the Law is not clear on these issues.

Discussion on Discipline

The Board discussed unprofessional conduct and discipline.

Ms. Taxin stated that she would like the Division to review the guidelines for discipline and develop a provision in the Law for those people who make a mistake to allow the Division the ability to require CE or an evaluation meeting versus disciplinary action which is reportable to be sure they are safe to work and allow them to continue working. She stated that it would be a non-disciplinary action and it would not be on their record.

Dr. Ramsey commented that Ms. Baker has informed the Board that they may make recommendations to Mr. Stanley but they don't hear of a problem until after the fact when the probationer has an appointment with the Board. He stated that he believes Dr. Callahan had some misunderstandings and/or some sloppy record keeping skills. He stated that he would have recommended leniency in Dr. Callahan's case.

Dr. Loomis asked Ms. Taxin if she would lean toward leniency and not take a punitive approach.

Ms. Taxin stated that she would lean toward leniency. She stated that some managers believe each probation period should be 5 years and stick to the 5 years. She stated that the Board will notice a difference in the Stipulation and Orders she writes with the attorneys. Ms. Taxin stated that if Dr. Callahan is on track after a year then the Board could recommend termination of his probation.

Dr. Voss asked if Ms. Taxin is suggesting the Board could create a non-disciplinary action Order.

Ms. Taxin responded that the Board does have that right but the issue is larger than just this profession. She stated that all the professions would have to be on board to make the change in

the Law. Ms. Taxin stated that language would have to be written with the criteria regarding a non-disciplinary action.

CORRESPONDENCE:

Nancy Achin Audesse, Massachusetts
Executive Director, Letter regarding
Communications Skills

The Board reviewed the information. **No Board action was taken.**

Drexel Medicine Physician Refresher/Re-Entry
Course

The Board reviewed the information.

Ms. Taxin informed the Board that the Physician's Board also reviewed the information and Dr. Ries endorsed the program.

The Board confirmed that the program is a viable program.

Physician Health News, April 2008

The Board reviewed the information. **No Board action was taken.**

FSMB Correspondence

The Board reviewed the following FSMB correspondence:

1. State of the States: Physician Regulation 2008.
No Board action was taken.
2. Medical Regulatory Authorities & the Quality of Medical Services in Canada and the U.S.
No Board action was taken.

NEXT MEETING SCHEDULED FOR:

October 9, 2008

ADJOURN:

The time is 11:22 am and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

Date Approved

Chairperson, Utah Osteopathic Physicians Licensing Board

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing